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US EPA RECORDS CENTER REGION 5



471386

LANSING, MICHIGAN
SARASOTA, FLORIDA
TAMPA, FLORIDA
WASHINGTON, D.C.

May 8, 1990

Beth Henning
Assistant Regional Counsel
U.S. EPA - Region V
(5CS-TUB-3)
230 S. Dearborn
Chicago, Illinois 60604

Re: Albion-Sheridan Township Landfill

Dear Ms. Henning:

You have previously indicated U.S. EPA's only reason for believing Hayes-Albion Corporation is a potentially responsible party (PRP) at the above site is because of conversation with former site employee Arlow Wilkinson. You and Mr. O'Neill have spoken with Mr. Wilkinson who has given a generalized statement that the company sent waste, including drums to the site. My client maintains it did not send drums or liquids to the site, and that Mr. Wilkinson's memory, or the questions asked, were deficient.

This office has met with Mr. Wilkinson to discuss his recollections of site operations. It is clear the elderly Mr. Wilkinson could not testify to the statements which appear in U.S. EPA's file regarding Hayes-Albion.

Mr. Wilkinson has signed an affidavit indicating he has no personal knowledge of Hayes-Albion disposing of waste oil, paint waste, ignitable liquid waste or drums at the landfill. Enclosed is a copy of the affidavit, the original is in my file and available for inspection.

Based upon this signed and sworn statement, which refutes the Agency's file material, I would request U.S. EPA to delete Harvard Industries as a PRP on the Unilateral 106 Order.

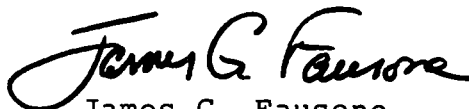
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If you have any questions or comments, please do not
hesitate to contact me.

Very truly yours,

DYKEMA GOSSETT


James G. Fausone
(313) 568-6957

JGF/jmc
5403
Enclosure

cc: Allan B. Currie
Grant P. Gilezan

1. I, Arlow Wilkinson, was employed by Gordon Stevick as the Heavy Equipment Operator at the Albion Sheridan Township Landfill ("Landfill") for approximately 28 years.

2. As Heavy Equipment Operator, I supervised Landfill Operations, directed customers where to dump their shipments of waste, and operated disposal equipment (ie., crane and bulldozer).

3. I did not record and have no personal knowledge of landfill records identifying generators who used the landfill, the type of waste disposed of, the volume of waste disposed of, and the dates of waste shipments.

4. I have no record or personal knowledge of Hayes-Albion Corporations's disposal of waste oil, paint waste, ignitable liquid waste, or drums (empty or full) of any kind at the landfill during the period of my employment.

5. On May 4, 1990, I visited the landfill and observed materials located on its surface.

a. I have no record or personal knowledge of the date at which time the drums, containers, and tanks came to be located on the surface of the landfill.

b. I have no record or personal knowledge of the identities of the persons or companies who shipped or transported the drums, containers, and tanks located on the surface of the landfill.

c. I have no record or personal knowledge of the identities of the persons or companies who generated the waste that is or was contained in the drums, containers, and tanks located on the surface of the landfill.

6. I have made this Affidavit on personal knowledge and can testify regarding the same in a court of law.

Signed:

Witness

Arlo A. Wilkinson

Arlo A. Wilkinson

Allan Currie

Allan Currie

Robert C. Chate

ROBERT CHATE

STATE OF MICHIGAN)

) ss.

COUNTY OF JACKSON)

Arlo A. Wilkinson appeared and, being of sound mind, has subscribed and sworn to this affidavit before me this 4th day of May 1990 in the City of Albion, State of Michigan.

Sarah A. Daniels

Notary Public Jackson County
CALHOUN
Michigan

My Commission Expires:

SARAH A. DANIELS
Notary Public Jackson County
My Comm. Expires 10/14/91